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July 28, 2015

Honorable George B. Daniels
United States District Judge
Southern District of New York
500 Pearl Street
New York NY 10007-1312

By ECF

Re: Tamiko Garris-Rivers v. The Metropolitan Transit Authority, Long Island Railroad
SDNY Docket No.: 13-CV-9034
Our File No.: 6178-1307

Dear Judge Daniels:

We are in receipt of Plaintiff's counsel's July 24, 2015 correspondence to Your Honor which calls attention to the matter of *Simpson v. NYPD*, (2015 U.S. App. LEXIS 12163). The allegations in that matter make it clearly distinguishable here. In *Simpson*, Plaintiff alleged that the Defendant Police Officer made unwanted sexual advances toward her, and further alleged that the Police Officer wrongfully used his position of authority to essentially teach the plaintiff "a lesson" when she refused to tell him her last name in response to those sexual advances.

With respect to the *Simpson* Plaintiff's theft of services, the Plaintiff in that case possessed a valid pass for transportation, where the Plaintiff in the instant action was not in possession of a valid pass.

Such facts are clearly distinguishable from the allegations in the case at bar.

Respectfully submitted,



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